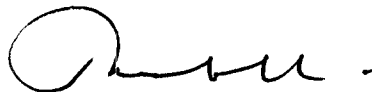


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Scott Hutchison Enterprises, Inc., et al.,	:	Civil Action No. C-1-01-776
	:	
Plaintiffs	:	Judge Weber
	:	
v.	:	<b>AFFIDAVIT OF DANIEL J. KONRAD</b>
	:	<b>IN SUPPORT OF DEFENDANT</b>
Rhodes, Inc., et al.,	:	<b>BOGGS' MOTION FOR SUMMARY</b>
	:	<b>JUDGMENT AGAINST DEFENDANTS</b>
Defendants	:	<b>RHODES, ZIMMER, AND GEISLER</b>

Defendant H.T. Boggs hereby submits the attached affidavit of Daniel J. Konrad in support of his motion for summary judgment against Defendants Rhodes, Zimmer, and Geisler (doc. no. 151).

Respectfully submitted,

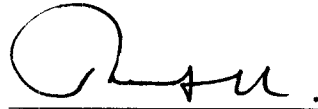


---

Thomas R. Schuck (0005336)  
Trial Attorney for Defendant H.T. Boggs  
425 Walnut Street, Suite 1800  
Cincinnati, Ohio 45202-3957  
(513) 381-2838

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he served a copy of the foregoing Affidavit of Daniel J. Konrad in Support of Defendant Boggs' Motion for Summary Judgment Against Rhodes, Zimmer, and Geisler upon the following counsel of record and unrepresented parties electronically or by regular United States mail, postage prepaid this 10th day of February, 2006.



Thomas R. Schuck

William P. Schroeder, Esq.  
11935 Mason Road, Suite 100  
Cincinnati, Ohio 45249  
Attorney for Plaintiffs

E. David Marshall, Esq.  
271 West Short Street, Suite 111  
Lexington, Kentucky 40507

James M. Zimmer, *pro se*  
3164 Roxbury Drive  
Lexington, Kentucky 40503

H. Jack Geisler, *pro se*  
33868 Moundview Court  
Lexington, Kentucky 40502

**AFFIDAVIT OF DANIEL J. KONRAD**

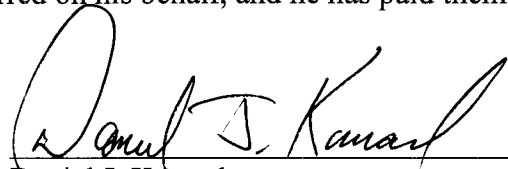
COUNTY OF CABELL                    )  
  ) ss:  
STATE OF WEST VIRGINIA        )

Daniel J. Konrad, having first been duly cautioned and sworn, states as follows:

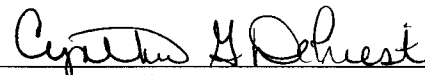
1. I am an attorney admitted to practice law in the State of West Virginia and a partner in the law firm of Huddleston Bolen, LLP in Huntington, West Virginia, and have rendered legal services to H.T. Boggs, a defendant in Civil Action No. C-1-01-776, pending in the United States District Court for the Southern District of Ohio, in which capacity I have personal knowledge and am competent to testify with respect to the matters set forth herein.

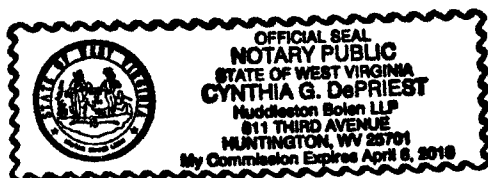
2. Attached hereto are copies of the statements of attorney's fees and expenses which my law firm rendered to Mr. Boggs through August 31, 2005 in connection with our representation of him with respect to this litigation. These fees and expenses were actually and necessarily incurred on his behalf, and he has paid them.

Further affiant sayeth naught.

  
\_\_\_\_\_  
Daniel J. Konrad

Sworn to and subscribed before me this 20<sup>th</sup> day of December, 2005.

  
\_\_\_\_\_  
Notary Public



## H. T. Boggs / General (100925.0001)

Date	TKPR Name	Billed Amt	Bl Hrs	Narrative
05/10/03	KONRAD, DANIEL	\$232.50	1.50	General Services - telephone conference with Tom Schuck; review expert appraiser; contact with B. Withers regarding expert witness
06/11/03	HOLLAND (HUNT), DEBORAH	\$300.00	4.00	Research - Ironton, Ohio regarding Scott Hutchison suit
06/12/03	HOLLAND (HUNT), DEBORAH	\$75.00	1.00	General Services regarding Scott Hutchison; review of assessor's cards.
06/17/03	KONRAD, DANIEL	\$155.00	1.00	General Services - review results of Lawrence County records search with D. Holland
06/17/03	HOLLAND (HUNT), DEBORAH	\$112.50	1.50	Conference with Dan Konrad; preparation of summary memo.
06/18/03	HOLLAND (HUNT), DEBORAH	\$150.00	2.00	Research Lawrence County, Ohio records.
06/23/03	BROWN, TAMMY D.	\$30.00	0.50	Telephone Conference with Craig Paulus' office regarding subpoena attachment; revise attachment; arrange for service
06/25/03	BROWN, TAMMY D.	\$15.00	0.25	Receipt and review of proof of service; letter to Craig Paulus transmitting the same
07/15/03	KONRAD, DANIEL	\$193.75	1.25	General Services - telephone conference with T. Schuck
08/08/03	KONRAD, DANIEL	\$387.50	2.50	General Services - conference with appraiser; review prior appraisals
08/18/03	PLYBON, CHRISTOPHER	\$77.50	0.50	General Services - Telephone conferences with T. Schuck; review questions raised
08/19/03	PLYBON, CHRISTOPHER	\$38.75	0.25	General Services - Telephone conference with T. Schuck re: depositions
09/05/03	KONRAD, DANIEL	\$170.50	1.10	General Services - telephone conference with T. Schuck; review all issues
09/11/03	BROWN, TAMMY D.	\$80.00	1.00	Receipt and review of subpoenas; arrange for service; confirmation of court reporter; various telephone conferences regarding service of subpoenas
09/15/03	BROWN, TAMMY D.	\$15.00	0.25	Telephone Conference with L. Dean Schwartz; arrange service of process
09/15/03	KONRAD, DANIEL	\$201.50	1.30	General Services - telephone conference with T. Schuck; telephone conference with Mr. McDaniel
09/17/03	BROWN, TAMMY D.	\$30.00	0.50	Receipt and review of correspondence from Mr. Adams; letter to Leslie Adams transmitting subpoenas and proofs of service
09/17/03	KONRAD, DANIEL	\$31.00	0.20	General Services - review letter from McDaniel; forward same to Mr. Schuck
10/01/03	KONRAD, DANIEL	\$155.00	1.00	General Services - telephone conference with T. Schuck; review various fax correspondence from T. Schuck
10/03/03	BROWN, TAMMY D.	\$15.00	0.25	Telephone Conference with Leslie Adams regarding upcoming depositions; conference regarding the same
10/03/03	KONRAD, DANIEL	\$170.50	1.10	General Services - preparation for depositions - issues regarding depositions or delay in same and attendance by various parties
10/09/03	KONRAD, DANIEL	\$310.00	2.00	General Services - review deposition issues of Mr. Klian with Mr. Schuck; telephone conference with H.T. Boggs
10/07/03	KONRAD, DANIEL	\$294.50	1.90	General Services - conference with T. Schuck; review matters related to deposition of bank officer; telephone conference with T. Boggs; telephone conference with K. Waldo
10/08/03	KONRAD, DANIEL	\$155.00	1.00	General Services - conference with T. Schuck; review deposition matter related to S. Hutchison
10/09/03	KONRAD, DANIEL	\$387.50	2.50	General Services - conferences with Mr. Schuck regarding depositions of Mr. Hutchison and Mrs. Hutchison; telephone conference with Mr. Boggs
10/10/03	KONRAD, DANIEL	\$465.00	3.00	General Services - review with Mr. Schuck depositions of appraisers; travel to and subsequent inspection of property in question; telephone conference with Mr. Boggs regarding same.
10/13/03	KONRAD, DANIEL	\$139.50	0.90	General Services - telephone conference with H.T. Boggs; review litigation issues
10/15/03	KONRAD, DANIEL	\$310.00	2.00	General Services - research: Ohio law on Wetlands and representations
10/23/03	BROWN, TAMMY D.	\$30.00	0.50	Draft objection to subpoena
10/23/03	KONRAD, DANIEL	\$325.50	2.10	Conferences with Mr. Schuck
10/28/03	KONRAD, DANIEL	\$232.50	1.50	General Services - conference with T. Schuck
10/29/03	KONRAD, DANIEL	\$77.50	0.50	General Services - brief conference with Mr. Schuck
11/11/03	BROWN, TAMMY D.	\$30.00	0.50	Receipt and review of correspondence; arrange for service of subpoena
11/11/03	BROWN, TAMMY D.	\$15.00	0.25	Telephone Conference with Mr. Stephen's wife regarding service of subpoena
11/12/03	BROWN, TAMMY D.	\$30.00	0.50	Conference regarding service of process; letter to Mr. Schuck transmitting proof of service
11/13/03	KONRAD, DANIEL	\$387.50	2.50	General Services - review issues related to trial
11/26/03	KONRAD, DANIEL	\$232.50	1.50	General Services - review Meeting Minutes and other matters

12/10/03	KONRAD, DANIEL	\$232.50	1.50	General Services - review and revise deposition testimony
02/24/04	KONRAD, DANIEL	\$155.00	1.00	General Services - review Summary Judgment Motion
06/04/04	KONRAD, DANIEL	\$232.50	1.50	General Services - review Summary Judgment motion; response and replies
TOTALS		\$6,658.00	50.10	

H. T. Boggs Company, Inc. / General (16104.0001)

DATE		NAME		DESCRIPTION		AMOUNT	
01/21/02		KONRAD, DANIEL		Telephone Conference with H. T. Boggs; Telephone Conference with T. Schuck; Review file; Research federal statutes		\$487.50	
02/04/02		KONRAD, DANIEL		General Services - conference with H. T. Boggs and T. Schuck regarding Hutchinson problem.		\$300.00	
02/05/02		KONRAD, DANIEL		General Services - Telephone conference with T. Schuck regarding planning and file review.		\$187.50	
02/15/02		KONRAD, DANIEL		Extended telephone conference with T. Schuck; review information.		\$187.50	
02/20/02		KONRAD, DANIEL		Telephone conversation with T. Schuck; telephone conference with Keith Webb; review document.		\$312.50	
02/21/02		KONRAD, DANIEL		Telephone conference with T. Boggs.		\$25.00	
02/22/02		KONRAD, DANIEL		General Services - Telephone conference with T. Schuck.		\$37.50	
02/28/02		KONRAD, DANIEL		General Services - Review material forwarded by Mr. Schuck.		\$93.75	
03/05/02		KONRAD, DANIEL		Review documents forwarded by M. Klein.		\$93.75	
06/05/02		KONRAD, DANIEL		General Services - telephone conference with Tom Schuck.		\$125.00	
06/07/02		KONRAD, DANIEL		General Services - telephone conference with H. T. Boggs and Schuck.		\$187.50	
06/10/02		KONRAD, DANIEL		General Services - conference with Mr. Boggs; review records of Boggs Landing Inc.		\$437.50	
06/11/02		KONRAD, DANIEL		General Services - conference with Cincinnati counsel; view site with Mr. Boggs and counsel		\$737.50	
07/02/02		KONRAD, DANIEL		General Services - review expert report		\$93.75	
01/16/03		KONRAD, DANIEL		General Services - telephone conference with T. Schuck regarding review possible settlement options and opportunities		\$62.50	
01/17/03		KONRAD, DANIEL		General Services - review and analyze settlement issues		\$137.50	
08/22/06		KONRAD, DANIEL		General Services - review decisions of Federal Court wholly favorable to Tom Boggs (Hutchinson)		\$125.00	
TOTALS							